

AMENDED IN SENATE JANUARY 4, 2016

SENATE BILL

No. 702

Introduced by Senator McGuire
(Coauthor: Assembly Member Dodd)

February 27, 2015

An act to amend Section ~~2810.5~~ 1393.5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 702, as amended, McGuire. ~~Employment: employer obligations.~~
Employment of minors: agricultural packing plants.

Existing law prescribes limits on the hours of employment of minors, but authorizes the Labor Commissioner to grant an exemption to employers operating agricultural packing plants for the employment of minors 16 and 17 years of age for up to 10 hours on days when school is not in session, during the peak harvest season.

Existing law provides an exception to those provisions for the County of Lake by limiting the employer exemption that may be issued by the Labor Commissioner to the employment of minors, 16 or 17 years of age, who reside in the County of Lake, and only on days when school is not in session, for up to 10 hours a day, as well as for more than 48 hours but not more than 60 hours in a week, upon prior written approval of the Lake County Office of Education.

Existing law also requires the Labor Commissioner, prior to issuing the County of Lake exemption or renewing an exemption, to inspect an affected agricultural packing plant. Existing law require the Labor Commissioner to file a written report with the Legislature on or before November 1, 2016, describing the general working conditions of minors employed in the agricultural packing industry during the period from

March 1, 2011, to October 1, 2016, inclusive, as specified. Existing law further requires an affected employer, on or before March 1 of each year, as a condition of receiving that exemption or a renewal of that exemption, to file a written report to the Labor Commissioner, as specified. These provisions are set to expire on January 1, 2017.

This bill would extend the operation of the exception pertaining to the employment of minors in the County of Lake until January 1, 2027. It would additionally require the Labor Commissioner to report to the Legislature on or before November 1, 2025, on the working conditions for the period from October 1, 2016, to October 1, 2025, inclusive.

~~Existing law requires an employer to post specified wage and hour information in a location where it can be viewed by employees. Existing law further requires an employer to provide each employee, as defined, at the time of hiring, with a notice that specifies the rate and the basis of the employee's wages and to notify each employee in writing of any changes to the information set forth in the notice, as specified. Existing law requires, if the employer is a temporary services employer, as defined, the notice to include the name, physical address of the main office, the mailing address, if different from the physical address, and the telephone number of the legal entity for whom the employee will perform work.~~

~~This bill would require the temporary services employer to include in the notice the email address, if one is on file with the temporary services employer, of the legal entity for whom the employee will perform work.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 County of Lake Teen Employment and Training Act.
- 3 SEC. 2. Section 1393.5 of the Labor Code is amended to read:
- 4 1393.5. (a) Notwithstanding any other provision of this article
- 5 or Article 2 (commencing with Section 49110) of Chapter 7 of
- 6 Part 27 of Division 4 of Title 2 of the Education Code, an
- 7 exemption issued pursuant to Section 1393 may authorize the
- 8 employment during the peak harvest season of a minor, 16 or 17
- 9 years of age who resides in ~~Lake County~~, the County of Lake during
- 10 any day in which school is not in session for up to 10 hours per

1 day and more than 48 hours but not more than 60 hours in any one
2 week, only upon the prior written approval of the ~~Lake County~~
3 *County of Lake* Office of Education.

4 (b) Each year, the Labor Commissioner, prior to issuing or
5 renewing an exemption under this section, shall inspect the affected
6 agricultural packing plant.

7 (c) As a condition of receiving an exemption or a renewal of an
8 exemption under this section, an affected employer shall, on or
9 before October 1 of each year, file a written report to the Labor
10 Commissioner that contains the following employment information
11 regarding the employer's payroll for the same year up to September
12 15:

13 (1) The number of minors employed by that employer.

14 (2) A list of the age and hours worked on a weekly basis of each
15 minor employed.

16 (d) Notwithstanding Chapter 24 (commencing with Section
17 7550) of Division 7 of Title 1 of the Government Code, the Labor
18 Commissioner shall submit a written report to the Legislature, on
19 or before November 1, 2016, that describes the general working
20 conditions of minors employed in the agricultural packing industry
21 during the period from March 1, 2011, to October 1, 2016,
22 inclusive, and that includes all of the following information:

23 (1) The number of minors employed in the agricultural packing
24 industry.

25 (2) The number of exemptions issued, renewed, or denied
26 pursuant to this section.

27 (3) A summary of the inspections conducted by the Labor
28 Commissioner pursuant to this section.

29 (4) The number of workplace injuries that occurred to minors
30 at agricultural packing plants.

31 (5) The number of violations of labor laws and regulations that
32 occurred at agricultural packing plants.

33 (e) *Notwithstanding Chapter 24 (commencing with Section*
34 *7550) of Division 7 of Title 1 of the Government Code, the Labor*
35 *Commissioner shall submit a written report to the Legislature, on*
36 *or before November 1, 2025, that describes the general working*
37 *conditions of minors employed in the agricultural packing industry*
38 *during the period from October 1, 2016, to October 1, 2025,*
39 *inclusive, and that includes for this period all the information*
40 *described in paragraphs (1) to (5), inclusive, of subdivision (d).*

1 (e)

2 (f) This section shall remain in effect only until January 1, 2017;
3 2027, and as of that date is repealed.

4 SECTION 1. Section 2810.5 of the Labor Code is amended to
5 read:

6 2810.5. ~~(a) (1) At the time of hiring, an employer shall provide~~
7 ~~to each employee a written notice, in the language the employer~~
8 ~~normally uses to communicate employment-related information~~
9 ~~to the employee, containing the following information:~~

10 (A) The rate or rates of pay and basis thereof, whether paid by
11 the hour, shift, day, week, salary, piece, commission, or otherwise,
12 including any rates for overtime, as applicable.

13 (B) Allowances, if any, claimed as part of the minimum wage,
14 including meal or lodging allowances.

15 (C) The regular payday designated by the employer in
16 accordance with the requirements of this code.

17 (D) The name of the employer, including any “doing business
18 as” names used by the employer.

19 (E) The physical address of the employer’s main office or
20 principal place of business, and a mailing address, if different.

21 (F) The telephone number of the employer.

22 (G) The name, address, and telephone number of the employer’s
23 workers’ compensation insurance carrier.

24 (H) That an employee: may accrue and use sick leave; has a
25 right to request and use accrued paid sick leave; may not be
26 terminated or retaliated against for using or requesting the use of
27 accrued paid sick leave; and has the right to file a complaint against
28 an employer who retaliates.

29 (I) Any other information the Labor Commissioner deems
30 material and necessary.

31 (2) The Labor Commissioner shall prepare a template that
32 complies with the requirements of paragraph (1). The template
33 shall be made available to employers in the manner determined
34 by the Labor Commissioner.

35 (3) If the employer is a temporary services employer, as defined
36 in Section 201.3, the notice described in paragraph (1) must also
37 include the name, the physical address of the main office, the
38 mailing address if different from the physical address of the main
39 office, email address, if one is on file with the temporary services
40 employer, and the telephone number of the legal entity for whom

1 the employee will perform work, and any other information the
2 Labor Commissioner deems material and necessary. The
3 requirements of this paragraph do not apply to a security services
4 company that is licensed by the Department of Consumer Affairs
5 and that solely provides security services.

6 (b) An employer shall notify his or her employees in writing of
7 any changes to the information set forth in the notice within seven
8 calendar days after the time of the changes, unless one of the
9 following applies:

10 (1) All changes are reflected on a timely wage statement
11 furnished in accordance with Section 226.

12 (2) Notice of all changes is provided in another writing required
13 by law within seven days of the changes.

14 (c) For purposes of this section, “employee” does not include
15 any of the following:

16 (1) An employee directly employed by the state or any political
17 subdivision thereof, including any city, county, city and county,
18 or special district.

19 (2) An employee who is exempt from the payment of overtime
20 wages by statute or the wage orders of the Industrial Welfare
21 Commission.

22 (3) An employee who is covered by a valid collective bargaining
23 agreement if the agreement expressly provides for the wages, hours
24 of work, and working conditions of the employee, and if the
25 agreement provides premium wage rates for all overtime hours
26 worked and a regular hourly rate of pay for those employees of
27 not less than 30 percent more than the state minimum wage.